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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,168

12/20/2004

Vincent Jennings

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73442

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10/16/2008

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EXAMINER

ILAN, RUTH

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,168	Applicant(s) JENNINGS ET AL.	
	Examiner Ruth Ilan	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 27-29 is/are pending in the application.
4a) Of the above claim(s) 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 9-17 and 21-23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/1/08</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 27-29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 27-29 are directed to a method of improving vehicle performance in a vehicle chassis. Originally presented claims 1-23 are directed to a vehicle chassis. These inventions are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the process for using the product can be practiced with another materially different product, for instance one in which the chassis does not include the structural details found in many of the depend claims from the first group.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 27-29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 6 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dau et al. (US 2002/0029921 A1.) Dau et al. teaches a vehicle chassis including two longitudinal side rails (32) having a front end, a front portion (forward of line A) and a central portion (rearward of line A and on back) The front portions are higher than the central portions. A first cross member (2) extends in a transverse direction between the front ends of the side rails and is below the front ends. A second cross member (5) extends in a transverse direction between central portions. Two secondary longitudinal members (3, 4) extend between the first and second cross members. Two central support members (46) which are between the first and second cross members connect of the side rails to adjacent secondary longitudinal member. Regarding claim 2, two vertically extending front support sections (45) connect the first cross member to the side rails. Regarding claim 3, The connection points (at 12) for the secondary longitudinal members and the cross member are lower than the front ends of the side rails. Regarding claims 4-6, the front portion (at 40) of the longitudinal members inclines upward and is toward the front of the central support section (see Figure 2) and the rear portion is substantially horizontal. As broadly claimed, the components are bonded together. Regarding claims 19 and 20, the connections include bolts and welds.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, is rejected under 35 U.S.C. 103(a) as being unpatentable over Dau et al. in view of Froumajou (US 3,774,712.) Dau et al. is discussed above, and because it does not show the entire of the side rail (32) does not specifically disclose that the inclined portion shown just to the rear of line A is between the front portion and a rear portion. This type of side rail frame is well understood to be used in the vehicle frame art, the center portion being lower than the front so that the door and floor is lower to the ground to facilitate ingress. Froumajou teaches one such side rail (8.) It would have been obvious to one having ordinary skill in the art to understand the side rail of Dau et al. would reasonably continue toward the rear so that the center portion would continue in the manner disclosed by the applicant, and the inclined portion shown just to the rear of line A in Dau et al, Figure 2 would be between the center and front portion in the claimed manner. As such the rear portion of the secondary longitudinal members of Dau et al. extend adjacent this inclined portion, as claimed.

6. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dau et al. in view of Sonomura et al. (US 6,722,696.) Dau et al. is discussed above and teaches that the secondary longitudinal members are intended to deform on impact to absorb collision energy (see paragraph[0028]) Dau et al. does not specifically disclose a weakened bend. Sonomura et al. teaches that it is known to provide a weakened bend (34) on the secondary longitudinal arms of an auxiliary axle as a method of predictably absorbing impact at a predetermined load. It would have been obvious to one having ordinary skill in the art at the time of the invention, in view of the teaching of Sonomura

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et al. to provided a weakened bend at the claimed junction, in order to predictably facilitate energy absorption.

Allowable Subject Matter

7. Claims 9-17, 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ruth Ilan
Primary Examiner
Art Unit 3616

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Primary Examiner, Art Unit 3616